

# **Exhibit 1**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.

Plaintiff,

v.

VOICE SIGNAL TECHNOLOGIES, INC.,  
LAURENCE S. GILICK, ROBERT S.  
ROTH, JONATHAN P. YAMRON, and  
MANFRED G. GRABHERR

Defendants.

C.A. No. 04-10353-PBS

**AFFIDAVIT OF JAMES MCARDLE**

I, James McArdle, on oath depose and say:

1. I am the President of McArdle Consulting Co., LLC. I consult to telecommunications and other technology companies, including Voice Signal Technologies, Inc. From 1998 to 2002, I was employed by Motorola, first as Site Manager of Motorola's Piscataway, New Jersey Facility and Director of Engineering responsible for wireless handset development, and thereafter as Vice President and Director responsible for Motorola's CDMA handset portfolio for North and South America. Between 1981 and 1998, I was employed by Bell Labs and Lucent Technologies, Inc. in a series of technical and management positions involving the development of wireless handsets and other communications products. My resumé is attached to this affidavit.

2. The words "mobile telecommunications system" are not a term of art in the telecommunications business. Their meaning is derived from the context in which they are used.

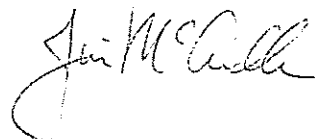
In the context of U.S. Patent No. 6, 501,966, the words “mobile telecommunications system” refer to the infrastructure (the switches and transmission facilities) that are owned and operated, and the related services that are offered, by network service providers. The patent states that mobile telecommunications systems connect telecommunications customers, who may include cell phone users and land line customers. *See* Col. 3, ll. 35-38. The patent further states that mobile telecommunication systems include a variety of wireless network environments, not just cellular networks. Col. 3, ll. 46-48. The speech recognition method described in the patent is a service offered by the network, that is accessed over the network, available to all users of the network, and integrated with equipment that is a part of the network infrastructure.

3. Speech recognition software that is embedded in a wireless handset is not “a speech recognition system for a mobile communication system.” It is an application that is local to the handset. It interprets words spoken by a user and, based on that interpretation, sends electronic instructions to the handset’s conventional dialing mechanism. Its task is then complete. It is not a network resource, is not accessed over a network, and is not a service offered by a network. It does not use any network resource. It is not integrated with, and does not interact with, the network in any way. It is like the software that implements an address book or a game, on a cell phone. It operates independently of the “network environment.”

4. In a broader industry context, Motorola and Lucent Technologies each distinguished the network systems business from the cellular handset business. At Motorola, network systems and cellular handsets were developed and sold by separate divisions. The former designed network infrastructure and related equipment, and sold that equipment to network service providers. The latter developed and sold handsets. Lucent (which has since exited the handset business) was similarly organized into a wireless network division (which sold

network infrastructure products) and a consumer products division (which sold cellular handsets, among other things).

**Signed under the pains and penalties of perjury this 6th day of July, 2005.**

A handwritten signature in black ink, appearing to read "Jim McArdle", written in a cursive style.

James McArdle

20 Parker Drive  
 Morris Plains, NJ 07950  
 (973) 644-4762  
 jim@mcardle.com

## James McArdle

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**Summary** Business Leader with entrepreneurial, technical and business skills. Focus on leading teams to achieve cost, quality, and time to market objectives while leveraging technology in achieving business goals. Ability to overcome challenging business problems through strong team facilitation and communication skills. Extensive knowledge of bringing together different business cultures in a Joint Venture environment and working employee relation issues.

**Work Experience** **McArdle Consulting Co., LLC** 10/2002 - present  
**President**  
*Morris Plains, NJ*

Offering consulting services to small/mid size companies involved in the technology sector to enable them to grow their business' in a successful manner. Efforts involve development of strategy, implementation of successful business practices, expansion of staff capabilities, determination of needed organizational changes/improvements, establishing organization structure, business development in particular with wireless handset manufacturers and carrier customers.

**MOTOROLA--Personal Communications Sector** 1998-9/2002  
*Piscataway/South Plainfield, NJ*

***Vice President and Director -- Product Line Management (2000-2002)***

Responsible for the CDMA handset portfolio for the America's region for Motorola PCS. Responsibility included cradle-to-grave ownership of multi-generational handset products. Developed strategy, gathered consumer insight, defined, developed and launched products into market. Profit & loss responsibility for approx. \$2B product line, which was #1 market share in the region. Interacted with Media in support of product launch activities. Have also held PLM responsibility for other handsets (ie. GSM, TDMA, GAIT, CDMA/GSM).

***Director of Engineering & Site Manager (1998-2000)***

Development of high performance wireless handsets supporting all standards (GSM, TDMA, CDMA, Analog). Led an organization of 200 people across 3 locations (Piscataway, NJ; Boynton Beach, FL; Libertyville, IL). Administered and directed future phones through all stages of development. Products won several awards including "Best of Show 2001 Innovations Award" and "Wireless Wonder Award for 2000" and were featured in numerous media outlets.

As Site Director of Motorola's Piscataway, NJ facility, managed the 525 employees including the early hiring, transition, and integration into Motorola PCS. Maintained all aspects of running an effective business. Oversaw all efforts and plans involved with creating a world-class product realization center. Accomplishments included expansion into another facility. Committed to open communications and a diverse team to ensure good rapport and healthy culture among colleagues.

**LUCENT/AT&T (Bell Labs)**

**1981-1998**

***Vice President – CDMA and TDMA Handset Development (1998)***

***Lucent Consumer Products/Philips Consumer Communications (PCC)***

*Piscataway, NJ*

Responsible for the assimilation of Lucent's Consumer Product wireless division engineering department with Philip's Consumer Products division in a Joint Venture established between the companies.

Integrated PCCs NJ based CDMA and TDMA development organizations into a single unit. R&D organization numbered 300 contributors with 25 managers. Aided in bringing the first PCC CDMA terminal into the market. Guided the effort to re-establish the architectural direction for the CDMA organization while working with Product Management to create a long-range product plan consistent with the key market drivers.

***Director – TDMA Handset Development (1997)***

***Lucent Consumer Products/Philips Consumer Communications (PCC)***

Built the NJ based development team responsible for producing TDMA handsets. Organization included RF, Baseband, Software, DSP, Architecture, System Integration, Sustaining Engineering, Program Mgmt., and Support Tools. Launched a set of four TDMA phones during a 15-month period consistent with schedule commitments. This included a high quality trimode phone, one of the industry's first. Established multiyear product plans, technology roadmaps, and strategic partnering.

***Technical Manager – Next Generation Optical Network Units***

***AT&T Bell Laboratories/Lucent Technologies, Access Products (1994-1997)***

*Whippany, NJ*

Responsible for the development of the SLC-2000 Switched Digital Video ONU. Overall responsibility for electrical and physical architecture and design of ONU enclosure, all circuit pack designs (optical, digital multiplexing and control, power and ringing), card cage and backplane, and overall compliance. Efforts involved working with additional vendors of equipment, customers, product mgrs, project mgrs, development, and manufacturing.

***Member of Technical Staff (1989-1994)***

***AT&T Bell Laboratories/Lucent Technologies, Access Products***

*Whippany, NJ*

Lead EE on the development of the Fiber-In-The-Loop ONU for the German market. Responsibilities included system engineering, backplane and power design, and interfacing with product mgrs., developers, and manufacture. Coordinated efforts between AT&T organizations in multiple countries.

Member of the SLC120/SLC240 International Network Access development team. Responsible for the design of several Channel Units and the system Dual Line Interfact Unit (DLIU).

Design engineer on the Fiber-In-The-Loop (FITL) CATV system. Responsible for developing numerous power supplies, shelf common unit, and a high precision laser temperature controller (patented).

***Member of Technical Staff*** (1981-1989)

***AT&T Bell Laboratories, Power Laboratory***

Design engineer for numerous low power DC-to-DC converter product families. Presented work in the power electronics field at 1984 IEEE PESC conference.

Lead engineer on a 15-month technology transfer project with a Japanese company. Responsible for the technical support during the negotiating phase and developed the structure, sequence, and complete schedule for the transfer. Had responsibility for the project management, implementation, documentation, and the technical presentations.

Education

1981 – 1982 **Cal. Institute of Technology**, Pasadena, CA – **MSEE**

1977 – 1981 **Stevens Institute of Technology**, Hoboken, NJ – **BSEE**

Extensive training list available upon request

Other

**Licensed Professional Engineer** in the State of New Jersey

Media Trained